



## Commission on Judicial Performance

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### **The Honorable Steven L. Bernard** 2008 Judicial Performance Survey



Talmey-Drake  
research & strategy, inc.

April 30, 2008

The Honorable Steven L. Bernard  
Colorado Court of Appeals  
Colorado State Judicial Bldg.  
2 East 14th Avenue  
Denver, CO. 80203


Dear Judge Bernard :

Every two years the Colorado Judicial Performance Commission conducts a survey of attorneys who have had cases with opinions authored or co-authored by those appellate judges and justices standing for retention in the next general election, and a second survey among all the State's district judges, Court of Appeals judges and Supreme Court justices. This report contains the results of these two surveys, and is divided into four main sections:

- **Attorney Results & Comments:** This section contains graphs displaying the overall average grade you received on questions 2a through 2l, and on each question. Following the graphs, are a series of tables showing the percentage distribution of responses to each question. Attorney respondents were also asked to comment about your performance. These comments have been transcribed, and in some instances redacted to eliminate respondent identifying information. A copy of the attorney questionnaire is at the back of this report.
- **Survey of Judges Results & Comments:** Similar to the Attorney section, this portion of the report contains graphs (again including the overall average of questions 1 through 10 on the Survey of Judges questionnaire), the percentage distribution of responses by the trial judges to each substantive question in the survey. The judges were also asked to comment about your performance. Again, these comments have been transcribed, and in some instances redacted to eliminate respondent identifying information. A copy of the Survey of Judges questionnaire is also at the back of this report.
- **Methodology:** The fourth section of the report discusses the methodology of the survey.
- **Questionnaires:** And the final section provides copies of the questionnaires that were used.

If you have any questions about the methodology and how the survey was conducted, please feel free to contact me at 303-443-5300 ext 1, and for any other questions you might have about the survey please call the Executive Director of the Colorado Judicial Performance Program, Jane Howell, at 303-837-3665.

Best regards,



Paul A. Talmey  
President

enc:



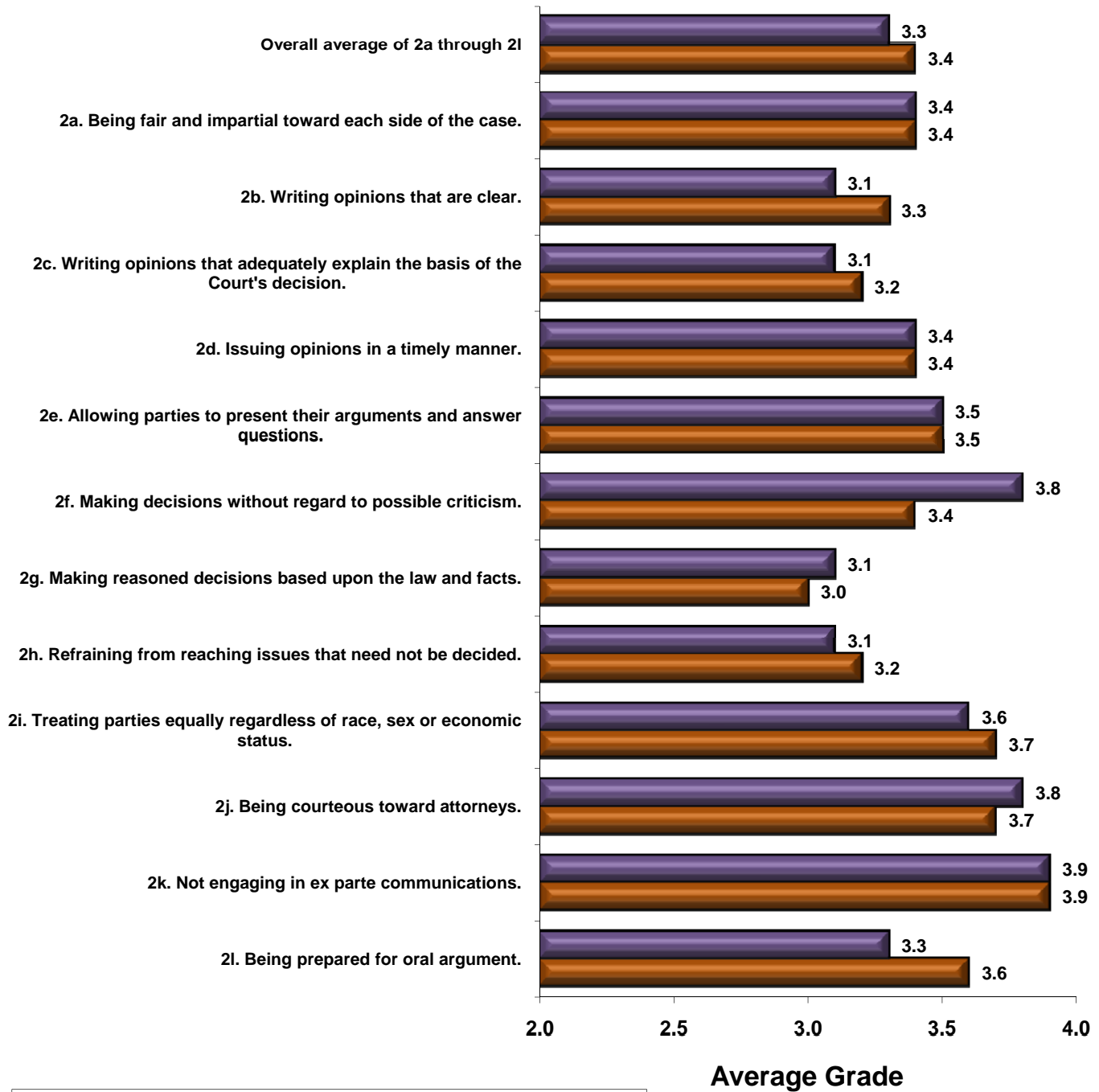
# **Attorney Survey**

**(Sample Size 34)**

# Steven L. Bernard

## Attorney Survey

### Overall Average Grade and Average by Question

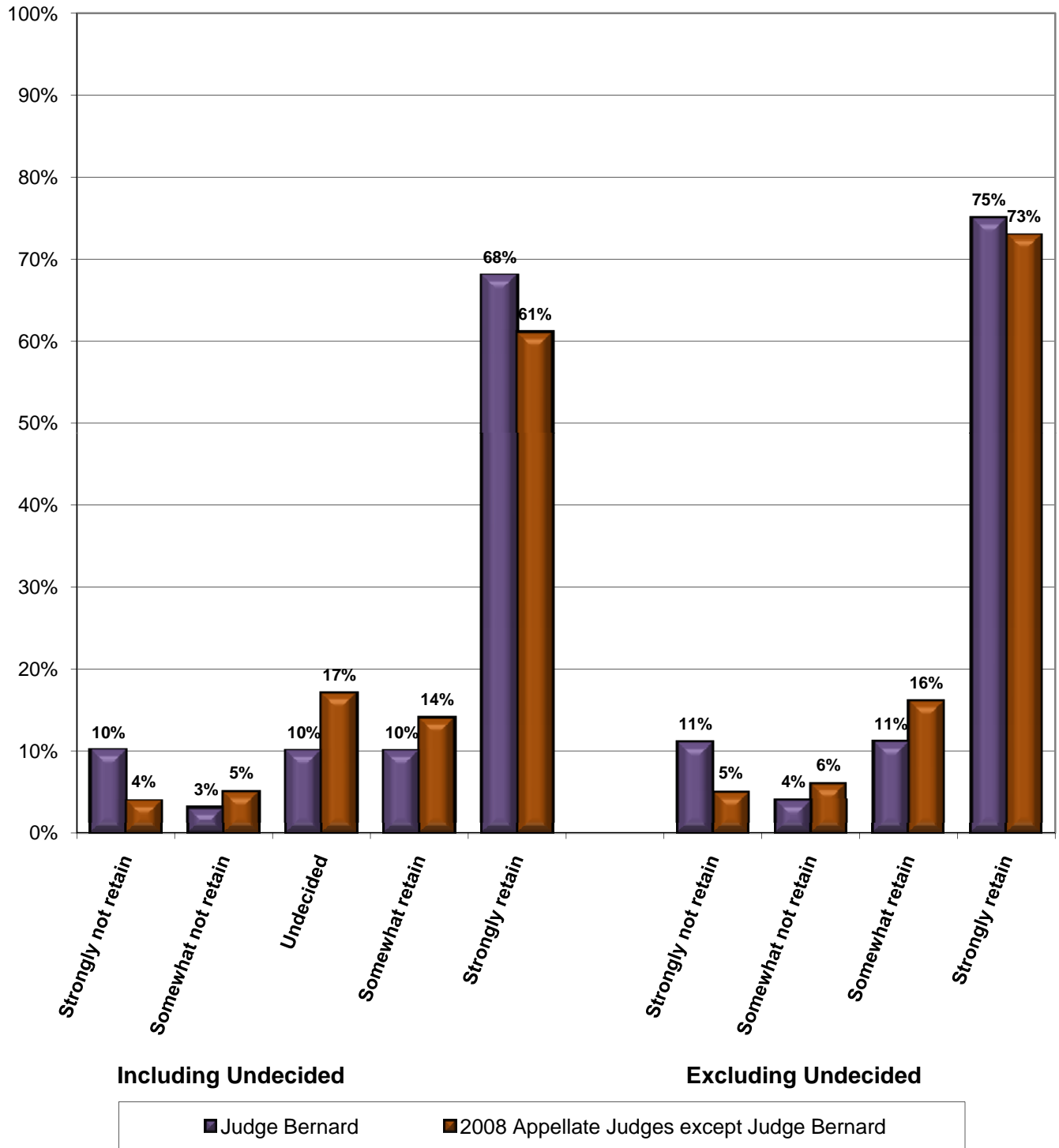


■ Judge Bernard ■ 2008 Appellate Judges except Judge Bernard

# Steven L. Bernard

Attorney Survey

## Retention Recommendation



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# Steven L. Bernard

## Attorney Survey

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2a. How would you grade Judge Bernard on "Being fair and impartial toward each side of the case?"

	<u>Judge Bernard</u>	<u>2008 Appellate Judges except Judge Bernard</u>
A .....	64%	58%
B .....	18%	20%
C .....	3%	9%
D .....	6%	4%
Fail .....	3%	2%
No Grade .....	6%	7%
<hr/>		
Average .....	3.4	3.4
Letter Grade .....	B+	B+

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# Steven L. Bernard

## Attorney Survey

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**2b. How would you grade Judge Bernard on "Writing opinions that are clear?"**

	<u>Judge Bernard</u>	<u>2008 Appellate Judges except Judge Bernard</u>
A .....	53%	50%
B .....	29%	29%
C .....	3%	11%
D .....	9%	5%
Fail .....	6%	1%
No Grade .....	0%	4%
<hr/>		
Average .....	3.1	3.3
Letter Grade .....	B	B

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# Steven L. Bernard

## Attorney Survey

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**2c. How would you grade Judge Bernard on "Writing opinions that adequately explain the basis of the Court's decision?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	58%	46%
B .....	15%	32%
C .....	9%	11%
D .....	9%	5%
Fail .....	6%	2%
No Grade .....	3%	4%
<hr/>		
Average .....	3.1	3.2
Letter Grade .....	B	B



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# Steven L. Bernard

## Attorney Survey

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**2d. How would you grade Judge Bernard on "Issuing opinions in a timely manner?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	56%	50%
B .....	29%	33%
C .....	9%	10%
D .....	3%	3%
Fail .....	0%	0%
No Grade .....	3%	5%
Average .....	3.4	3.4
Letter Grade .....	B+	B+

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## Steven L. Bernard

### Attorney Survey

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**2e. How would you grade Judge Bernard on "Allowing parties to present their arguments and answer questions?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	41%	51%
B .....	18%	19%
C .....	0%	3%
D .....	6%	2%
Fail .....	0%	1%
No Grade .....	35%	24%
<hr/>		
Average .....	3.5	3.5
Letter Grade .....	B+	B+

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## Steven L. Bernard

### Attorney Survey

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**2f. How would you grade Judge Bernard on "Making decisions without regard to possible criticism?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	62%	47%
B .....	6%	16%
C .....	6%	6%
D .....	0%	3%
Fail .....	0%	2%
No Grade .....	26%	26%
<hr/>		
Average .....	3.8	3.4
Letter Grade .....	A-	B+

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# Steven L. Bernard

## Attorney Survey

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**2g. How would you grade Judge Bernard on "Making reasoned decisions based upon the law and facts?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	56%	50%
B .....	18%	23%
C .....	12%	12%
D .....	9%	8%
Fail .....	6%	6%
No Grade .....	0%	1%
Average .....	3.1	3.0
Letter Grade .....	B	B

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## Steven L. Bernard

### Attorney Survey

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**2h. How would you grade Judge Bernard on "Refraining from reaching issues that need not be decided?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	47%	43%
B .....	24%	21%
C .....	12%	12%
D .....	0%	3%
Fail .....	9%	4%
No Grade .....	9%	17%
<hr/>		
Average .....	3.1	3.2
Letter Grade .....	B	B

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# Steven L. Bernard

## Attorney Survey

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2i. How would you grade Judge Bernard on "Treating parties equally regardless of race, sex or economic status?"

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	53%	58%
B .....	9%	10%
C .....	3%	3%
D .....	0%	1%
Fail .....	3%	0%
No Grade .....	32%	28%
<hr/>		
Average .....	3.6	3.7
Letter Grade .....	B+	A-

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## Steven L. Bernard

### Attorney Survey

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**2j. How would you grade Judge Bernard on "Being courteous toward attorneys?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	62%	56%
B .....	6%	18%
C .....	3%	3%
D .....	0%	1%
Fail .....	0%	0%
No Grade .....	29%	23%
Average .....	3.8	3.7
Letter Grade .....	A-	A-

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# Steven L. Bernard

## Attorney Survey

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**2k. How would you grade Judge Bernard on "Not engaging in ex parte communications?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	44%	48%
B .....	6%	5%
C .....	0%	1%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	50%	46%
<hr/>		
Average .....	3.9	3.9
Letter Grade .....	A-	A-



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# Steven L. Bernard

## Attorney Survey

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**2I. How would you grade Judge Bernard on "Being prepared for oral argument?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	38%	51%
B .....	12%	14%
C .....	6%	4%
D .....	3%	1%
Fail .....	3%	1%
No Grade .....	38%	28%
<hr/>		
Average .....	3.3	3.6
Letter Grade .....	B	B+

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# Steven L. Bernard

## Attorney Survey

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**4. How strongly do you recommend that Judge Bernard be retained or not be retained in office?**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
<b>Strongly Recommend Retain in office</b> ....	75%	73%
<b>Somewhat Recommend Retain in office</b> .....	11%	16%
<b>Somewhat Recommend Not Retain in office</b> .....	4%	6%
<b>Strongly Recommend Not Retain in office</b> ....	11%	5%

# **District Judge Survey**

**(Sample Size 107)**

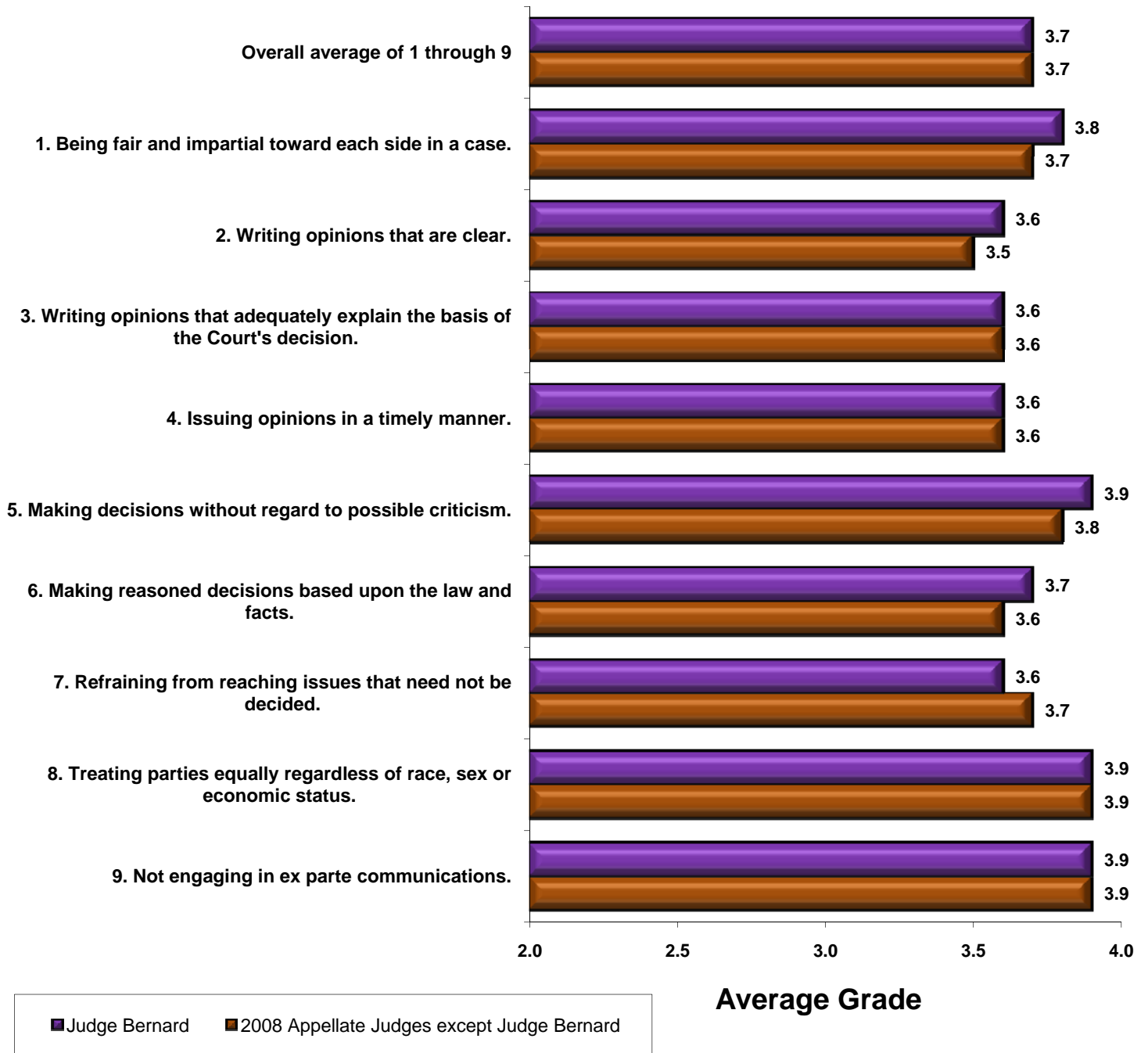
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# Steven L. Bernard

Survey of Judges

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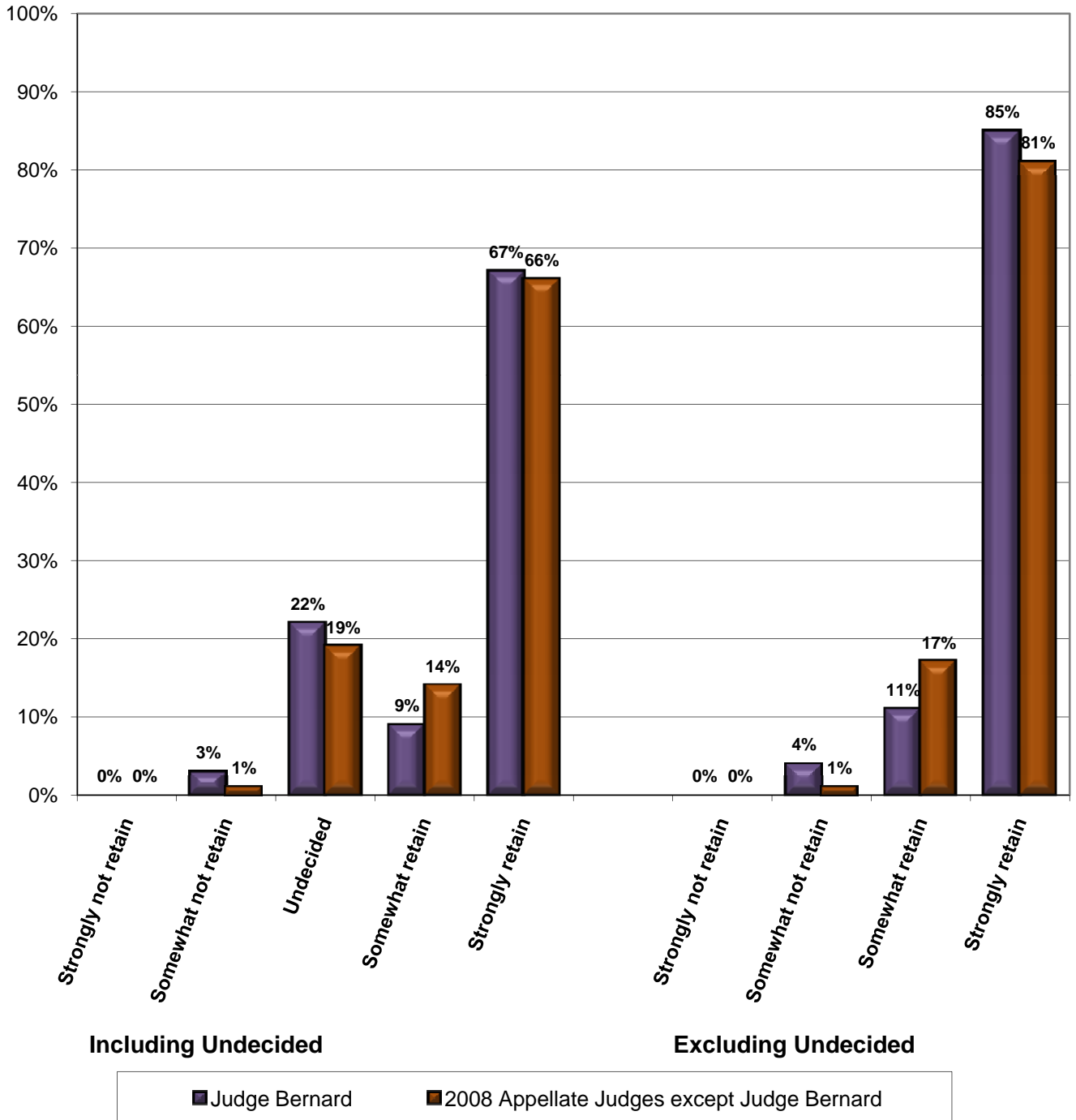
## Overall Average Grade and Average by Question



# Steven L. Bernard

Survey of Judges

## Retention Recommendation



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# Steven L. Bernard

## Survey of Judges

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**1. How would you grade Judge Bernard on "Being fair and impartial toward each side in a case?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	57%	56%
B .....	11%	14%
C .....	2%	3%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	31%	27%
<hr/>		
Average .....	3.8	3.7
Letter Grade .....	A-	A-

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# Steven L. Bernard

## Survey of Judges

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**2. How would you grade Judge Bernard on "Writing opinions that are clear?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	50%	46%
B .....	19%	28%
C .....	3%	4%
D .....	2%	1%
Fail .....	0%	0%
No Grade .....	26%	21%
<hr/>		
Average .....	3.6	3.5
Letter Grade .....	B+	B+

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# Steven L. Bernard

## Survey of Judges

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**3. How would you grade Judge Bernard on "Writing opinions that adequately explain the basis of the Court's decision?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	52%	52%
B .....	18%	23%
C .....	4%	3%
D .....	1%	0%
Fail .....	0%	0%
No Grade .....	25%	21%
<hr/>		
Average .....	3.6	3.6
Letter Grade .....	B+	B+



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# Steven L. Bernard

## Survey of Judges

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**4. How would you grade Judge Bernard on "Issuing opinions in a timely manner?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	38%	38%
B .....	16%	19%
C .....	2%	3%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	43%	40%
<hr/>		
Average .....	3.6	3.6
Letter Grade .....	B+	B+

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# Steven L. Bernard

## Survey of Judges

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**5. How would you grade Judge Bernard on "Making decisions without regard to possible criticism?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	63%	62%
B .....	11%	11%
C .....	0%	2%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	26%	25%
<hr/>		
Average .....	3.9	3.8
Letter Grade .....	A-	A-

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## Steven L. Bernard

### Survey of Judges

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**6. How would you grade Judge Bernard on "Making reasoned decision based upon the law and facts?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	56%	53%
B .....	16%	23%
C .....	2%	4%
D .....	2%	1%
Fail .....	0%	0%
No Grade .....	24%	20%
<hr/>		
Average .....	3.7	3.6
Letter Grade .....	A-	B+

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# Steven L. Bernard

## Survey of Judges

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**7. How would you grade Judge Bernard on "Refraining from reaching issues that need not be decided?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	52%	51%
B .....	14%	18%
C .....	1%	2%
D .....	3%	1%
Fail .....	0%	0%
No Grade .....	30%	28%
<hr/>		
Average .....	3.6	3.7
Letter Grade .....	B+	A-

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# Steven L. Bernard

## Survey of Judges

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**8. How would you grade Judge Bernard on "Treating parties equally regardless of race, sex or economic status?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	62%	63%
B .....	4%	6%
C .....	1%	1%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	33%	29%
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Average .....	3.9	3.9
Letter Grade .....	A-	A-

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# Steven L. Bernard

## Survey of Judges

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**9. How would you grade Judge Bernard on "Not engaging in ex parte communications?"**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
A .....	49%	49%
B .....	3%	5%
C .....	0%	0%
D .....	0%	0%
Fail .....	0%	0%
No Grade .....	49%	47%
<hr/>		
Average .....	3.9	3.9
Letter Grade .....	A-	A-

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## Steven L. Bernard

### Survey of Judges

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**10. How strongly do you recommend that Judge Bernard be retained or not be retained in office?**

	Judge Bernard	2008 Appellate Judges except Judge Bernard
<b>Strongly Recommend Retain in office</b> ....	85%	81%
<b>Somewhat Recommend Retain in office</b> .....	11%	17%
<b>Somewhat Recommend Not Retain in office</b> .....	4%	1%
<b>Strongly Recommend Not Retain in office</b> ....	0%	0%

# **Methodology**



# Methodology

**Sample:** The Colorado Judicial Department provided Talmey-Drake Research & Strategy, Inc. with names and addresses of attorneys who had a case decided by the Court of Appeals or Supreme Court, in which the decision had been authored or co-authored by one of the two Supreme Court justices or one of the six Court of Appeals judges standing for retention 2008. Talmey-Drake Research was also provided with the list of Colorado judges and justices.

Two surveys were conducted, one among attorneys who had opinions authored or co-authored by one of the six Court of Appeals judges or two Supreme Court justices facing a retention vote in 2008, and a second survey of Colorado district and appellate judges and justices.

**Questionnaire:** Copies of the two questionnaires used are provided at the end of this report. Respondents were asked to use a grade of A, B, C, D, or F (Fail) to assess the judge's performance in a number of different areas. These grades were then converted to a numerical value where A = 4, B = 3, C = 2, D = 1 and Fail = 0.

**Response:** The response rate is calculated as the number of completed questionnaires divided by the number of eligible respondents who actually received a questionnaire. The following table shows the total number of questionnaires mailed, completed, non-responses & refusals, undeliverables and other responses. The table presents the overall response rate for each survey as well as the response rate for your surveys.

## Overall Response Rate

<u>Respondent Type</u>	<u>Total Sent</u>	<u>No Response</u>	<u>Undeliverable</u>	<u>Other</u>	<u>Completed</u>	<u>Response Rate</u>
Attorneys	838	324	139	21	354	50.6%
Judges	178	64	7	0	107	62.6%

## Response Rate for Judge Bernard

<u>Respondent Type</u>	<u>Total Sent</u>	<u>No Response</u>	<u>Undeliverable</u>	<u>Other</u>	<u>Completed</u>	<u>Response Rate</u>
Attorneys	97	41	18	4	34	43.0%
Judges	178	64	7	0	107	62.6%

**Results:**

The results of the Survey are in two main sections: Attorney Respondents and Judge Respondents. Within each main section are three subsections: graphs displaying average grades for each section and question, the percentage distribution of grades, and respondent comments.

**Graphs:** The graphs visually display the overall average numerical grades received for all grade questions, each section and each question compared to the combined averages for the Court of Appeals judges and Supreme Court justices about whom surveys in 2008 were conducted.

**Percentage Distribution of Grades:** This section shows the percentage of each grade received on each question plus the bias, sentencing and retention questions. An average grade point for each graded question is computed and shown in the results section. A letter grade is also assigned to each grade point according to the following scale.

<b>A = 4.00</b>	<b>B = 3.00 to 3.33</b>	<b>C = 2.00 to 2.33</b>	<b>D = 1.00 to 1.33</b>
<b>A- = 3.68 to 3.99</b>	<b>B- = 2.67 to 2.99</b>	<b>C- = 1.67 to 1.99</b>	<b>D- = 0.67 to 0.99</b>
<b>B+ = 3.34 to 3.66</b>	<b>C+ = 2.34 to 2.66</b>	<b>D+ = 1.34 to 1.66</b>	<b>Fail = 0.00 to 0.67</b>

This section also includes a comparative column of results showing the results for that question for the other appellate judges justices about whom surveys were conducted in 2008.

**Comments:** Each respondent was encouraged to comment on the judge’s performance. This section contains these comments – again divided between results from attorneys and judges.

**Projectability:**

Most surveys seen by the public are surveys that are intended to be projectable, that is the results from the sample of people surveyed can be used to estimate a percentage or value of the population sampled *with a known probability of error*. For example, a pre-election poll of 500 likely Colorado voters is used to estimate the percentage of voters who will vote for Candidate A on election day, plus or minus some number of percentage points. The plus or minus amount is usually what is known as the 95%-confidence interval (the known probability of error), or what the media often refers to as the margin-of-error.

The Colorado Judicial Performance Evaluation Survey is not projectable with a known probability of error because the results are calculated from a self-selecting sample that is self-selecting based on the content and subject matter of the survey. In other words, the potential respondent knows the purpose and content of the survey, and based on that, decides whether to respond to the survey.

While projectability within a known probability of error is a highly desirable attribute of a survey, it is often not feasible to achieve. Commercial market research often uses nonprojectable (and small) samples – the most well known of which are for focus groups. Moreover, the federal courts have long accepted, and do not expect, projectable samples for market confusion surveys used in trademark litigation.

The Judicial Performance Evaluation Survey is a valuable means, perhaps the only practical means, for the Judicial Performance Commissions to have a summary of structured interviews with a number of people who have courtroom familiarity with the judge being evaluated, and who most often – albeit not always – are responding out of a desire to improve the performance of our state’s judicial system.

# **Questionnaires**



2. Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the Judge **[Last Name]** on the following. If, for a specific question you feel that you do not have enough information to grade Judge **[Last Name]**, please circle the number indicating “Can’t Grade.”

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>	<b>Can't Grade</b>
a. Being fair and impartial toward each side of the case.	4	3	2	1	0	9
b. Writing opinions that are clear.	4	3	2	1	0	9
c. Writing opinions that adequately explain the basis of the Court’s decision.	4	3	2	1	0	9
d. Issuing opinions in a timely manner.	4	3	2	1	0	9
e. Allowing parties to present their arguments and answer questions.	4	3	2	1	0	9
f. Making decisions without regard to possible criticism.	4	3	2	1	0	9
g. Making reasoned decisions based upon the law and facts.	4	3	2	1	0	9
h. Refraining from reaching issues that need not be decided.	4	3	2	1	0	9
i. Treating parties equally regardless of race, sex or economic status.	4	3	2	1	0	9
j. Being courteous toward attorneys.	4	3	2	1	0	9
k. Not engaging in ex parte communications.	4	3	2	1	0	9
l. Being prepared for oral argument.	4	3	2	1	0	9

3. Comments about Judge **[Last Name]**s relating to any of your responses to the previous questions?

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4. Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge **[Last Name]** be retained in office, or not retained in office?

- Strongly recommend **he/she** be retained in office ..... 5
- Somewhat recommend **he/she** be retained in office ..... 4
- Undecided or don’t know enough to make recommendation ..... 3
- Somewhat recommend **he/she** not be retained in office ..... 2
- Strongly recommend **he/she** not be retained in office ..... 1

And why do you think that way about retaining or not retaining Judge **[Last Name]**?

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**Thank you for your time in completing this questionnaire. Please place it in the self-addressed, postage paid enveloped provided, and place it in the mail. Your participation in this survey is very much appreciated.**

**Please use back page for any additional comments.**



1. **Being fair and impartial toward each side in a case.**

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne.....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman .....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry.....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

2. **Writing opinions that are clear.**

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne.....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman .....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry.....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

H. **Please write comments you would like to make about Judge Sandra I. Rothenberg in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.**

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I. **Please write comments you would like to make about Judge Diana L. Terry in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.**

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**Continued on Back Page**



F. Please write comments you would like to make about Judge Jerry N. Jones in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.

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G. Please write comments you would like to make about Judge Gilbert Roman in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.

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3. Writing opinions that adequately explain the basis of the Court's decision.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne .....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman.....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry .....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

4. Issuing opinions in a timely manner.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne .....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman.....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry .....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

5. Making decisions without regard to possible criticism.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne .....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman.....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry .....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

6. Making reasoned decisions based upon the law and facts.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne .....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman.....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry .....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

D. Please write comments you would like to make about Judge David M. Furman in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.

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E. Please write comments you would like to make about Judge Robert D. Hawthorne in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.

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9. Not engaging in *ex parte* communications.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>F</u>	<u>No Grade</u>
Justice Allison H. Eid .....	4	3	2	1	0	6
Justice Gregory J. Hobbs .....	4	3	2	1	0	6
Judge Steven L. Bernard.....	4	3	2	1	0	6
Judge David M. Furman.....	4	3	2	1	0	6
Judge Robert D. Hawthorne .....	4	3	2	1	0	6
Judge Jerry N. Jones.....	4	3	2	1	0	6
Judge Gilbert Roman.....	4	3	2	1	0	6
Judge Sandra I. Rothenberg.....	4	3	2	1	0	6
Judge Diana L. Terry .....	4	3	2	1	0	6
Judge JoAnn L. Vogt .....	4	3	2	1	0	6

10. Recommend to be retained/not retained in office.

	<u>Justice Eid</u>	<u>Justice Hobbs</u>
Strongly recommend to retain.....	5	5
Somewhat recommend to retain .....	4	4
Undecided or don't know enough to make recommendation.....	3	3
Somewhat recommend not retain.....	2	2
Strongly recommend not retain.....	1	1

	<u>Judge Bernard</u>	<u>Judge Furman</u>	<u>Judge Hawthorne</u>
Strongly recommend to retain .....	5	5	5
Somewhat recommend to retain.....	4	4	4
Undecided or don't know enough to make recommendation.....	3	3	3
Somewhat recommend not retain.....	2	2	2
Strongly recommend not retain .....	1	1	1

10. [Continued]

	<u>Judge Jones</u>	<u>Judge Roman</u>	<u>Judge Rothenberg</u>
Strongly recommend to retain .....	5	5	5
Somewhat recommend to retain.....	4	4	4
Undecided or don't know enough to make recommendation .....	3	3	3
Somewhat recommend not retain .....	2	2	2
Strongly recommend not retain .....	1	1	1

	<u>Judge Terry</u>	<u>Judge Vogt</u>
Strongly recommend to retain.....	5	5
Somewhat recommend to retain.....	4	4
Undecided or don't know enough to make recommendation.....	3	3
Somewhat recommend not retain.....	2	2
Strongly recommend not retain .....	1	1

A. Please write comments you would like to make about Justice Allison H. Eid in the space below. If you would like to make more comments than space allows, feel free to attach a sheet with additional comments.

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